

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ANNA BERNSTEIN,

Plaintiff,

vs.

MARCUS DALY MEMORIAL
HOSPITAL CORPORATION,

Defendant.

CV 21– 38–M–DLC

ORDER

Before the Court is Plaintiff Anna Bernstein’s Unopposed Motion to Remand Removed Action. (Doc. 10.) Ms. Bernstein requests that this Court remand her action back to state court. (*Id.*) Defendant does not object. (*Id.*)

Following a case’s removal to federal court, “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). Subject matter jurisdiction depends on the existence of a federal question or complete diversity among the parties. *See* 28 U.S.C. § 1441(b)–(c). Neither is present in this case. The Court dismissed Ms. Bernstein’s only federal cause of action (Doc. 9) and both parties are citizens of Montana (Doc. 4 at 1). In short, this Court lacks subject matter jurisdiction and remand is proper.

Accordingly, IT IS ORDERED that the motion (Doc. 10) is GRANTED.

IT IS FURTHER ORDERED that the above-captioned matter is
REMANDED to Montana's Twenty-First Judicial District, Ravalli County.

The Clerk of Court is directed to close the case file.

DATED this 13th day of April, 2021.



Dana L. Christensen, District Judge
United States District Court